



03-30-04

MSFT 4947.2
MS #180500.3
PATENT

RCE/3700
#10
4/13/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Stephen C. O'Neal

Art Unit 2645

Serial No. 09/874,457

Filed June 5, 2001

Confirmation No. 5814

For APPARATUS AND METHOD FOR CHANNEL-TRANSPARENT MULTIMEDIA
BROADCAST MESSAGING

Examiner Allan Hoosain

March 29, 2004

REQUEST FOR CONTINUED EXAMINATION TRANSMITTAL

RECEIVED

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

MAR 31 2004

Technology Center 2600

SIR:

This is a Request for Continued Examination (RCE) under 37
C.F.R. §1.114 of the above-identified application.

1. REQUIRED SUBMISSION:

- a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37
C.F.R. §1.116 previously filed on _____
 - ii. ☐ Consider the arguments in the Appeal Brief or
Reply Brief previously filed on _____
 - iii. ☐ Other _____
- b. ☒ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement
 - iv. ☒ Other Request for Interview

2. MISCELLANEOUS

- a. ☐ Suspension of action on the above-identified
application is requested under 37 C.F.R. §1.103(c)
for a period of _____ months. (Period of
suspension shall not exceed 3 months; fee required)
- b. ☐ Other _____

03/31/2004 AWONDAF1 00000093 09874457

01 FC:1801

770.00 OP

3. **FEES** (Required when the RCE is filed)

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1345:
- i. ☐ RCE fee required under 37 C.F.R. §1.17(e)
 - ii. ☒ Extension of time fee; please See attached Request for Refund
 - iii. ☐ Other _____
- b. ☒ Check in the amount of \$770.00 is enclosed, along with a Fee Transmittal

Respectfully submitted,

Frank R. Agovino

Frank R. Agovino, Reg. No. 27,416
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

FRACwa

Express Mail Label No. EL 998650360
Mail Stop RCE



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REQUEST FOR REFUND

TO THE DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE,

SIR:

Applicant hereby requests a refund of the \$420.00 two month extension of time fee under 1.17(a)(2) submitted with the Request for Continued Examination.

In support of this request, applicant submits that Amendment C, filed December 27, 2003, in response to the final Office action mailed October 27, 2003, was lost by the Patent Office so that the Examiner could not issue his Advisory Action until after the expiration of the three month deadline. Because the instant delay was caused by the Patent Office, applicant should not be required to pay for the extension of time.

Applicant respectfully requests that the Commissioner grant the Request for Refund.

The refund may be made directly to Deposit Account No. 19-
* 1345. A duplicate copy of this letter is enclosed for this purpose.

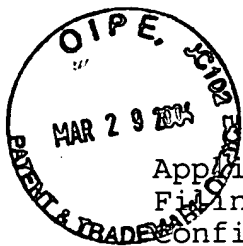
Respectfully submitted,

Frank R. Agovino

Frank R. Agovino, Reg. No. 27,416
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

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FEE TRANSMITTAL

Application Number 09/874,457
Filing Date June 5, 2001
Confirmation No. 5814
Inventor(s) Stephen C. O'Neal
Group Art Unit 2645
Examiner Name Allan Hoosain
Attorney Docket Number MSFT 4947.2 (MS #180500.3)

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METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
☐ Applicant claims small entity status.
2. ☐ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. ☐ BASIC FILING FEE Subtotal (1) \$ _____
(Type: _____)
2. ☐ EXTRA CLAIM FEES Subtotal (2) \$ _____
Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____
3. ☒ ADDITIONAL FEES Subtotal (3) \$ 770.00
☐ Surcharge - late filing fee or oath
☐ Surcharge - late provisional filing fee or cover sheet
☐ Extension for reply within _____ month
☐ Notice of Appeal
☐ Filing a Brief in Support of an appeal
☐ Request for ex parte Reexamination
☐ Petitions to the Commissioner
☐ Submission of Information Disclosure Statement
☐ Recording each patent assignment per property
☒ Request for Continued Examination
☐ Other: _____

TOTAL AMOUNT OF PAYMENT \$ 770.00

Frank R. Agovino
Frank R. Agovino, Reg. No. 27,416

3/29/04
Date

FRACwa

Express Mail Label No. EV998650360US

Applicant Initiated Interview Request Form

Application No.: 09/874,457 First Named Applicant: Stephen C. O'Neal
Examiner: Allan Hoosain Art Unit: 2645 Status of Application: Pending

#11
VT
4/13/04

Tentative Participants:

(1) Allan Hoosain (2) Frank Agovino
(3) _____ (4) _____

Proposed Date of Interview: _____ Proposed Time: _____ (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

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Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

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If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims/ Fig. #s	Prior Art	Disucussed	Agreed	Not Agreed
(1) <u>Rejection</u>	<u>all claims</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

In response to the final Office action mailed October 27, 2003, and in view of the RCE filed simultaneously herewith, the undersigned requests a telephone interview before the Examiner issues a further Office action. This request for interview is in response to the Examiner's suggestion in the Advisory action and in response to the telephone conference between the undersigned and the Examiner on March 26, 2004.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)